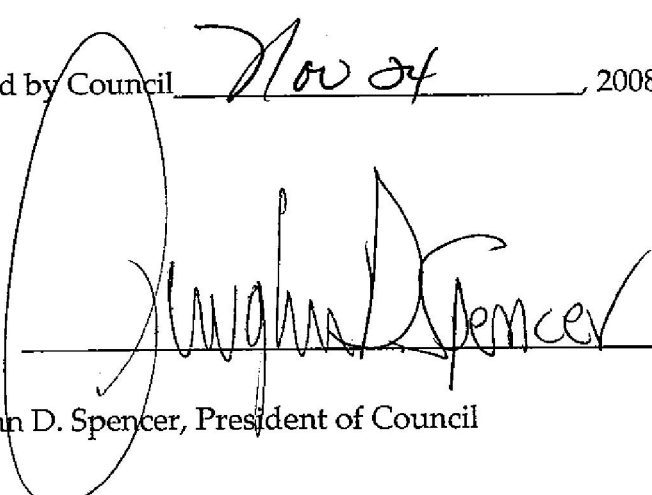


RESOLUTION NO. 119. 2008

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES  
AS FOLLOWS:

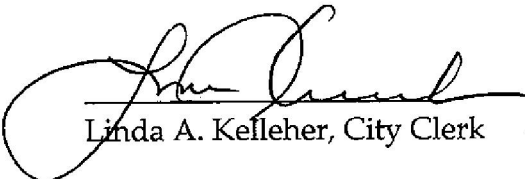
Denying the Conditional Use application for the conversion of 164  
West Oley to a two unit dwelling, owned by Benita Mejia.

Adopted by Council Nov 24, 2008



Vaughn D. Spencer, President of Council

Attest:



Linda A. Kelleher, City Clerk

**Conditional Use Application  
164 West Oley Street**

IN THE MATTER OF	§	BEFORE THE
	§	
BENITA MEJIA	§	CITY OF READING
	§	
OWNER OF 164 WEST OLEY ST	§	CITY COUNCIL
READING, PA	§	
	§	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
ORDER, AND AGREED RESOLUTION**

On Wednesday, October 29, 2008 at 5:00 p.m. in Council Chambers, the City of Reading City Council (Council) met to hear testimony on the application to convert 164 West Oley Street, owned by Ms. Benita Mejia (Applicant), to a two (2) unit rental property.

**Findings of Fact**

1. The City of Reading Zoning Ordinance Section 1203 (4) limits multi unit rental properties to only the R-3 area and requires that the conversion of single family properties to multi-family properties be approved by Conditional Use by Council.
2. The Applicant submitted the required Conditional Use form, appeared with her son, Alex Mejia, at the hearing held on Wednesday, October 29, 2008 and requested that Council approve the conversion of this property.
3. The Applicant stated that when she purchased the property it was divided into two living units – the first unit is located on the first floor of the property and the second unit is located on the second and third floors of the property.
4. The Applicant expressed the belief that the property was illegally converted into 2 units before she purchased the property.
5. The Applicant stated that prior to moving to West Reading she and her family used the property as a single family unit.
6. The Applicant produced an agreement with St. Marks United Church of Christ, approximately 2 blocks away from the property, that will allow off street parking spaces. The Applicant also stated that the detached garage will also be available for the first floor tenant, satisfying the need to provide 1.5 off street parking spaces per unit.

7. The Applicant admitted that she applied for a business license and a housing permit and allowed one of the units to be occupied before the required permits were approved.
8. The Applicant stated that a "sliding ladder" type fire escape serves the second floor unit.

### **Conclusions of Law**

The City of Reading Zoning Ordinance, part of the City's Codified Ordinances, Section 27-1203 (4) requires that the conversion of single family properties to more intense residential use in R-3 areas be approved by Conditional Use by the City of Reading City Council. Section 27-1203 (4C) requires that 1.5 off-street parking spaces be provided per living unit and (4D) requires that the Applicant submit documents that indicate that all plumbing heating, electrical equipment and facilities are adequate and appropriate for the proposed use. The City of Reading Comprehensive Plan, adopted in 2000, stresses the lack of adequate parking in neighborhoods and requests that conversions of single family dwellings into multi-family dwellings be limited due to the over densification of neighborhoods and lack of adequate neighborhood parking.

### **Order and Agreed Resolution**

As the Applicant failed to supply documentation indicating that all plumbing, heating and electrical equipment and facilities are adequate and comply with the City's Property Maintenance and Trades Codes and, as the City of Reading Comprehensive Plan requests that additional conversions of single family dwellings be limited, the City of Reading City Council hereby concurs with the recommendation of the City of Reading Planning Commission and denies the Conditional Use application for the conversion of 164 West Oley Street, owned by Ms. Benita Mejia.

### **Right to Appeal**

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.